

IN THE UNITED STATES DISTRICT COURT •
FOR THE DISTRICT OF HAWAII

BERT MEYER,) CIVIL NO. 04-00049 HG/BMK
) (In Admiralty)
Plaintiff,)
)
vs.)
)
MATSON NAVIGATION COMPANY,)
INC.,)
)
Defendant.)
_____)

DEPOSITION OF BERT MEYER

Taken on behalf of the Defendant MATSON NAVIGATION
COMPANY, INC., at the law offices of Goodsill,
Anderson, Quinn & Stifel, 1099 Alakea Street, 1800
Ali'i Place, Honolulu, Hawaii 96813, commencing at
9:50 a.m., on Tuesday, August 31, 2004, pursuant to
Notice.

BEFORE: MYRLA R. SEGAWA, CSR No. 397
Notary Public, State of Hawaii

EXHIBIT "7"

1 Q Did your right foot, any portion ever go
2 into that gap between the grating and the hatch
3 cover?

4 A No.

5 Q So as you're standing there, you get the
6 cone released and you're pushing up to release the
7 pole from the wire and the cone?

8 A Yes.

9 Q And is that when the accident happened?

10 A Yes.

11 Q Describe for me as best you recall what
12 happened at that point?

13 A I remember getting the pole out and next
14 thing I slid in the hole.

15 Q Did you actually feel your foot slide?

16 A Yes, I think I did. I just felt my body go
17 one way.

18 Q Okay. And I appreciate what you've said
19 about your body going one way. I'm focusing on the
20 foot. Did you actually feel your foot slip or slide
21 on the padeye?

22 A I believe I did.

23 Q And can you describe for me what position
24 your foot was in when you felt it start to slide?

25 A I believe my toes were facing the

1 container.

2 Q So your foot started sliding sideways?

3 A Yes.

4 Q Did you ever feel your left foot slide off
5 of the padeye?

6 A Not to my recollection. I just felt a
7 hole. I went down.

8 Q So did you ever feel your left foot come in
9 contact with any part of the hatch cover before it
10 went into the hole?

11 A Not that I can recall.

12 Q Did you feel your left foot come in contact
13 with the grate that's adjacent to the hole?

14 A I don't think so.

15 Q Did you ever feel your right foot slip or
16 slide?

17 A No.

18 Q Did you twist your ankle on the left foot?

19 A I don't know. I don't think I did.

20 Q When you slid into the hole, were you still
21 standing upright or had you changed your body
22 position so that you were in a bent over position?

23 A I believe I was still upright until I hit
24 the deck and then I bent over.

25 Q When you say you hit the deck, what do you

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C E R T I F I C A T E

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)


I, MYRLA R. SEGAWA, Notary Public, State of
Hawaii, do hereby certify:

That on Tuesday, August 31, 2004, at
9:50 a.m., appeared before me BERT MEYER, the witness
whose deposition is contained herein; that prior to
being examined he was by me duly sworn;

That the deposition was taken down by me in
machine shorthand and was thereafter reduced to
typewriting under my supervision; that the foregoing
represents, to the best of my ability, a true and
correct transcript of the proceedings had in the
foregoing matter.

I further certify that I am not an attorney
for any of the parties hereto, nor in any way
concerned with the cause.

DATED this 13th day of September, 2004, in
Honolulu, Hawaii.


MYRLA R. SEGAWA, CSR NO. 397
Notary Public, State of Hawaii
My Commission Exp: 1-27-2005